

## § 802.1

official grain weight and inspection certification services provided by FGIS must meet applicable requirements contained in the FGIS Weighing Handbook, the General Code, the Scales Code, the Automatic Bulk Weighing Systems Code, and the Weights Code of the 2008 edition of National Institute of Standards and Technology (NIST) Handbook 44, “Specifications, Tolerances, and Other Technical Requirements for Weighing and Measuring Devices” (Handbook 44); and NIST Handbook 105-1 (1990 Edition), “Specifications and Tolerances for Reference Standards and Field Standard Weights and Measures,” (Handbook 105-1). These requirements are confirmed to be met by having National Type Evaluation Program type approval. Scales used for commercial purposes will be required to meet only the applicable requirements of the 2008 edition of the NIST Handbook-44. Pursuant to the provisions of 5 U.S.C. 552(a), with the exception of the Handbook 44 requirements listed in paragraph (b), the materials in Handbooks 44 and 105-1 are incorporated by reference as they exist on the date of approval and a notice of any change in these materials will be published in the FEDERAL REGISTER. This incorporation by reference was approved by the Director of the Federal Register on March 8, 2011, in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. The NIST Handbooks are for sale by the National Conference of Weights and Measures (NCWM), 1135 M Street, Suite 110, Lincoln, Nebraska 68508. Information on these materials may be obtained from NCWM by calling 402-434-4880, by E-mailing [nfo@ncwm.net](mailto:nfo@ncwm.net), or on the Internet at <http://www.nist.gov/owm>.

(b) The following Handbook 44 requirements are not incorporated by reference:

### *Scales (2.20)*

S.1.8. Computing Scales  
S.1.8.2. Money-Value Computation  
S.1.8.3. Customer's Indications  
S.1.8.4. Recorded Representations, Point of Sale  
S.2.5.2. Jeweler's, Prescription, & Class I & II Scales  
S.3.3. Scoop Counterbalance  
N.1.3.2. Dairy-Product Test Scales

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N.1.5. Discrimination Test (Not adopted for Grain Test Scales only)  
N.1.8. Material Tests  
N.3.1.2. Interim Approval  
N.3.1.3. Enforcement Action For Inaccuracy  
N.4. Coupled-in-Motion Railroad Weighing Systems  
N.6. Nominal Capacity of Prescription Scales  
T.1.2. Postal and Parcel Post Scales  
T.2.3. Prescription Scales  
T.2.4. Jewelers' Scales (all sections)  
T.2.5. Dairy—Product—Test Scales (all sections)  
T.N.3.9. Materials Test on Customer—Operated Bulk—Weighing Systems for Recycled Materials  
UR.1.4. Grain Test Scales: Value of Scale Divisions  
UR.3.1. Recommended Minimum Load  
UR.3.1.1. Minimum Load, Grain Dockage

### *Automatic Bulk Weighing Systems (2.22)*

N.1.3. Decreasing-Load Test

[75 FR 76255, Dec. 8, 2010]

## § 802.1 Qualified laboratories.

(a) *Metrology laboratories.* (1) Any State metrology laboratory currently approved by the NBS ongoing certification program having auditing capability is automatically approved by the Service.

(2) Any county or city weights and measures jurisdiction approved by NBS or by their respective NBS-Certified State laboratory as being equipped with appropriate traceable standards and trained staff to provide valid calibration is approved by the Service. The State approval may be documented by a certificate or letter. The jurisdiction must be equipped to provide suitable certification documentation.

(3) Any commercial industrial laboratory primarily involved in the business of sealing and calibrating test weights (standards) will be approved by the Service provided:

(i) It requests written authority to perform tolerance testing of weights used within the Service's program(s) through their approved State jurisdiction. Copies of its request and written reference regarding the State decision shall be provided to the Service. A positive decision by the State will be required as a prerequisite to the Service's granting approval to any commercial laboratory to tolerance test the weights used in testing scales under the jurisdiction of the Service;

(ii) It has NBS traceable standards (through the State) and trained staff to perform calibrations in a manner prescribed by NBS and/or the State;

(iii) It is equipped to provide suitable certification documentation;

(iv) It permits the Service to make onsite visits to laboratory testing space.

(4) Approval of the commercial industrial laboratory will be at the Service's discretion. Once it has obtained approval, the commercial industrial laboratory maintains its site in a manner prescribed by the State and the Service.

(b) *Type evaluation laboratories.* Any State measurement laboratory currently certified by NBS in accordance with its program for the Certification of Capability of State Measurement Laboratories to conduct evaluations under the National Type Evaluation Program is approved by the Service.

(Approved by the Office of Management and Budget under control number 0580-0011)

[51 FR 7052, Feb. 28, 1986, as amended at 54 FR 5925, Feb. 7, 1989]

## PART 810—OFFICIAL UNITED STATES STANDARDS FOR GRAIN

### Subpart A—General Provisions

#### TERMS DEFINED

Sec.

810.101 Grains for which standards are established.

810.102 Definition of other terms.

#### PRINCIPLES GOVERNING THE APPLICATION OF STANDARDS

810.103 Basis of determination.

810.104 Percentages.

#### GRADES, GRADE REQUIREMENTS, AND GRADE DESIGNATIONS

810.105 Grades and grade requirements.

810.106 Grade designations.

#### SPECIAL GRADES, SPECIAL GRADE REQUIREMENTS, AND SPECIAL GRADE DESIGNATIONS

810.107 Special grades and special grade requirements.

810.108 Special grade designations.

### Subpart B—United States Standards for Barley

#### TERMS DEFINED

810.201 Definition of barley.

810.202 Definition of other terms.

#### PRINCIPLES GOVERNING THE APPLICATION OF STANDARDS

810.203 Basis of determination.

#### GRADES AND GRADE REQUIREMENTS

810.204 Grades and grade requirements for Six-rowed Malting barley and Six-rowed Blue Malting barley.

810.205 Grades and grade requirements for Two-rowed Malting barley.

810.206 Grades and grade requirements for barley.

#### SPECIAL GRADES AND SPECIAL GRADE REQUIREMENTS

810.207 Special grades and special grade requirements.

### Subpart C—United States Standards for Canola—Terms Defined

810.301 Definition of canola.

810.302 Definitions of other terms.

#### PRINCIPLES GOVERNING THE APPLICATION OF STANDARDS

810.303 Basis of determination.

#### GRADES AND GRADE REQUIREMENTS

810.304 Grades and grade requirements for canola.

#### SPECIAL GRADES AND SPECIAL GRADE REQUIREMENTS

810.305 Special grades and special grade requirements.

#### NONGRADE REQUIREMENTS

810.306 Nongrade requirements.

### Subpart D—United States Standards for Corn

#### TERMS DEFINED

810.401 Definition of corn.

810.402 Definition of other terms.

#### PRINCIPLES GOVERNING THE APPLICATION OF STANDARDS

810.403 Basis of determination.

#### GRADES AND GRADE REQUIREMENTS

810.404 Grades and grade requirements for corn.